

UNITED STATES DISTRICT COURT
DISTRICT OF ILLINOIS
EASTERN DIVISION

DISABLED PATRIOTS OF AMERICA, INC.,
a Florida Not-For-Profit Corporation, and
BONNIE KRAMER, Individually,

CASE NO. 08-CV-14-HDL-MIM

Plaintiffs,

Judge Harry D. Lienenweber
Magistrate Judge Michael I. Mason

vs.

OAKBROOK SHOPPING CENTER, L.L.C., a
Delaware Limited Liability Company,

Defendant.

PLAINTIFFS' MOTION TO COMPEL COMPLIANCE WITH FED. R. CIV. PRO. 26(f)

COME NOW Plaintiffs Disabled Patriots of America, Inc. and Bonnie Kramer, by and through undersigned counsel, and pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, hereby request that the Court compel Defendant Oakbrook Shopping Center, L.L.C. to participate in the initial conference, and state as follows:

1. Plaintiffs commenced this action on January 2, 2008, seeking injunctive relief pursuant to the Americans With Disabilities Act, 42 U.S.C. Sections 12181, et seq, ("ADA") for the removal of barriers at Defendant's place of public accommodation which discriminate against them on the basis of their disability.

2. Pursuant to discussions between respective counsel, the parties initially agreed that Plaintiffs and their expert would conduct a R. 34 inspection of the premises and submit a proposed settlement plan. The parties further agreed to hold in abeyance the Rule 26(f) conference until a reasonable time after submission of the settlement proposal.

3. After conducting the R. 34 inspection, Plaintiffs provided Defendant with the expert report detailing the violations at Defendant's facility and also tendered a proposed settlement agreement. These materials were submitted on March 17, 2008.

4. To date, Defendant has not responded to the proposed settlement. Moreover, Defendant opposes conducting the R. 26(f) planning conference.

5. Defendant has had approximately seven weeks to review the proposed settlement. Plaintiffs submit that a reasonable time has passed and no further delays are warranted.

WHEREFORE, Plaintiffs respectfully request that this Court enter an order compelling Defendant to participate in the requisite R. 26(f) conference.

MEMORANDUM

Fed. R. Civ. Pro. 26(f) requires the parties to conduct a conference "as soon as practicable". In the interest of judicial economy, and to move this case forward, Plaintiffs submit that the requested order is warranted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via the Court's CM/ECF system on this 9th day of May, 2008, to:

Ed Shapiro
Much Shelist Denenberg Ament and Rubenstein, P.C.
191 North Wacker Drive, Suite 1800
Chicago, IL 60606
eshapiro@muchshelist.com

LAW OFFICE OF JEROME G. SILBERT
10 S. Riverside Plaza, Suite 1020
Chicago, IL 60606
Tel.: (312) 207-0181; Fax (312) 207-1332
and
FULLER, FULLER & ASSOCIATES, P.A.
12000 Biscayne Blvd., Suite 609
North Miami FL 33181
Tel. 305-891-5199; Fax 305-893-9505
Tbb@fullerfuller.com

By: /s/ Thomas B. Bacon
Thomas B. Bacon